

REMARKS

This election is in response to the Office Action dated December 15, 2005 ("Office Action"). Claims 1-28 were pending. Claims 1-17 and 21-28 have been canceled. No new matter has been added. Examination of the claims in view of the ensuing remarks is respectfully requested.

In the Office Action, Examiner required election among aspects of the claimed invention identified by nine different groupings within the invention, under 35 U.S.C. §121 and 372. These groupings included the following:

- (1) Claims 1-9 and 11-13, drawn to an agent, a pharmaceutical composition, and a method of modulating a response in a subject to an angiogenesis-inducing stimulus;
- (2) Claim 10, drawn to a wound dressing comprising a pharmaceutical composition capable of inducing transfection of nucleotide sequences encoding leptin or leptin receptor;
- (3) Claims 11, 12 and 14, drawn to a topical composition comprising leptin and VEGF that modulates a response to an angiogenesis-inducing stimulus;
- (4) Claim 15, drawn to a method of identifying agents that bind to the leptin receptor and upon contacting vascular cells, induce a morphological change in the vascular cells;
- (5) Claim 16, drawn to a method of identifying agents that modulate leptin receptor mRNA or protein expression, which induces a morphological change in the vascular cells;
- (6) Claim 17, drawn to an antibody that binds with a leptin receptor on a cell, and that modulates a leptin receptor mediated response;
- (7) Claims 18-20, drawn to a method for promoting the formation, maintenance or repair of a tissue comprising administering an effective amount of an agent that stimulates leptin or a leptin receptor mediated angiogenic response;

- (8) Claims 21-27, drawn to a method of decreasing undesired angiogenesis comprising administering an effective amount of an agent that decreases leptin or a leptin receptor mediated angiogenic response; and
- (9) Claim 28, drawn to a method of treating angiogenic and fibrotic retinal diseases comprising administering an effective amount of an agent that decreases vascular and fibrotic proliferation.

Additionally, Examiner required an election between process and product claims. Although Examiner did not specify the groups to which this component of the restriction applies, Applicant believes this restriction applies only to Group 1.

Furthermore, Examiner required a species election if Applicant elected Groups 1, 2 or 8.

Restriction between species of Group 1 is as follows:

- A. An Angiogenic Response Modulating Agent:
 - (i) leptin
 - (ii) leptin homologue
 - (iii) angiogenic peptide fragment of leptin
 - (iv) idiotypic antibody
 - (v) leptin sensitizer

Restriction between species of Group 2 is as follows:

- B. Nucleic Acid Transfection Inducer:
 - (vi) leptin secreting cells
 - (vii) viral agents
 - (viii) chemical compound
 - (ix) biological compound

Restrictions between Wound Healing Modulator species and Additive species of Group 8 are as follows:

C. Wound Healing Modulator:

- (x) VEGF
- (xi) FGFs
- (xii) PDGF
- (xiii) TGF- β
- (xiv) angiopoietin
- (xv) TNF
- (xvi) IL-1
- (xvii) IL-11
- (xviii) IL-6
- (xix) leptin sensitizer

D. Additives:

- (xx) keratolytics
- (xxi) surfactants
- (xxii) counterirritants
- (xxiii) humectants
- (xxiv) antiseptics
- (xxv) lubricants
- (xxvi) astringents
- (xxvii) emulsifiers
- (xxviii) wetting agents
- (xxix) wound healing agents
- (xxx) adhesion/coating protectants
- (xxxi) vasoconstrictors
- (xxxii) anticholinergic
- (xxxiii) corticosteroids
- (xxxiv) anesthetics
- (xxxv) anti-inflammatory agents

Examiner also indicated that Claim 1 is generic in Group 1, Claim 10 is generic in Group 2, and Claims 21-22 are generic in Group 8.

Applicant hereby elects the embodiment of the instant invention described in **Group 7**, drawn to a method for promoting the formation, maintenance or repair of a tissue comprising administering an effective amount of an agent that stimulates leptin or a leptin receptor mediated angiogenic response, for prosecution on the merits. This election reads on claims 18-20.

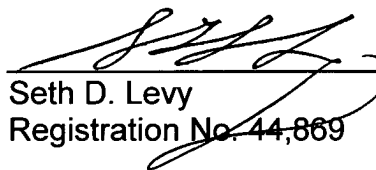
The foregoing election notwithstanding, Applicant respectfully traverse the restriction requirement and submit that there is an error in the listing of generic claims relating to Group 1. In the Office Action, Examiner indicated that Applicant's Claim 1 is generic in Group 1. Applicant respectfully submits that Claims 2 and 5-7 are generic as well. Applicant therefore respectfully requests that Examiner revise the restriction requirement to reflect the correct listing of generic claims.

Applicant also reserves the right to pursue the subject matter in the non-elected groups in one or more divisional applications.

All of the claims in the application are believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If for any reason Examiner finds the application other than in condition for allowance, Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 633-6800 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Rocio M. SIERRA-HONIGMANN
DAVIS WRIGHT TREMAINE LLP

By 
Seth D. Levy
Registration No. 44,869

Enclosure:
Postcard

865 South Figueroa Street, Suite 2400
Los Angeles, CA 90017-2566
Phone: (213) 633-6800
Facsimile: (213) 633-6899